

## **Is it a record or a publication?**

The line between digital records and publications is not as clear cut as it was with paper documents, which was not particularly clear cut, either. Generally, the Archives collects items that lead up to an event. The Library collects items that are the final publication. For example, the Archives maintains the bill files and the Library has the bills. It should be noted that there are many exceptions to this rule!

We began by looking at how the laws and regulations define both records and publications (see pages 3 – 5). It is a good place to start for some items but some digital products such as datasets, databases, and websites fit both categories. The Archives is the logical place for datasets and websites, but the Library may also wish to collect datasets and websites. For example, a publication (County Profiles) that the Library collected in paper is now available only the EDD website. However, the individual profiles are not longer in a single publication – each profile has its own mini website. To provide necessary context, the Library would have to capture the website. Hopefully, the items stored in a database would have already been sent to the Library or the Archives.

We developed a chart of the types of documents that both agencies would like to add to their collections. We attempted to select the primary types of documents rather than specific titles; however, there were a few specific titles that made it on the list. Several items were documents that we would both want to at least see to make a decision for additions to our collections.

In trying to define record and publication, there can be technology solution that might be able to identify whether something should go to the Archives or Library or both depending on certain parameters.



<b>Library</b>	<b>Both</b>	<b>Archives</b>
	Agency reports	
	Annual and biennial reports	
	Audit Reports (not financial)	
	Initiatives and propositions	
	Datasets	
	Maps	
	Reports required by the Legislature	
	Research reports	
	Websites	
Bills and regulations		Bill files
Bluebook		Diaries
Books		Internal policies
Compilations		Letters and emails
Directories		Memorandums
Handbooks		Procedural manuals
Journals and serials		Sensitive or legally restricted items
Laws		
Manuals		
Research bulletins		
State Budget		
White papers		

Below are the California's laws and regulations that define the terms record and publication:

- **Records:**
  - **Government Code §14741**
    - “As used in this chapter “record” or “records” means all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics.”
  - **California Records and Information Management Program**
    - “Records are simply information that we preserve and manage and they aren't just paper “documents”. They exist independent of form. Not all information generated by state agencies [is] significant “records” and need to be managed. The records of California State government are an important resource for citizens as well as public officials. State records may provide proof of a particular action, contain evidence to protect the rights of individuals or the government, and provide decision support, which is valuable to the progress of state business. Whatever the content, records created and received in the course of government are significant to Californians. The task is to know what information is important to an agency's mission; what affects its customers and taxpayers; what laws, regulations or good business practices require that records be retained? We publish a procedure for state agencies that includes [Record Retention Guidelines](#) to make it simple and consistent for agencies to manage common records.”
  - **California electronic records management handbook**
    - “Electronic records are informational or data files that are created and stored in digitized form through the use of computers and applications software. They are stored on various magnetic and optical storage devices and are products of computers and computer software. The format of an electronic document does not change the fact that it is a record, but its electronic form and its dependence on machines for creation and reference do change the way these records must be stored and managed.

“As stated later in this handbook, the Uniform Electronic Transaction Act (UETA) defines electronic records as “a record created, generated, sent, communicated, received, or stored by electronic means.” The UETA is an excellent reference to use as a guide when working with electronic records and covers the full spectrum of usage in electronic

signatures relating to transactions. See Appendix 10 - Overview of the Uniform Electronic Transaction Act.

“Usually, the definition applies to all electronic records systems, whether in microcomputers, minicomputers, or mainframe computers, regardless of storage media, in networked or stand-alone systems, including small computers, such as memory typewriters, calculators, and embedded systems. Examples include records stored on a server, or on magnetic media, such as tapes, disk packs, compact disks, or optical disks.”

- **Publications:**

- **Government Code §14902**

- “ “State Publication” or “publication” as herein employed is defined to include any document, compilation, journal, law, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine issued by the state, the Legislature, constitutional officers, or any department, commission or other agency thereof or prepared for the state by private individual or organization...”

- **SAM §3121**

- “All Agency publications fall under the Library Distribution Act, **except** for
      - Publications that are specifically excused by law
      - Publications that are specifically excused elsewhere in SAM
      - All forms
      - Letters
      - Memorandums<sup>1</sup>
      - Exclusive use documents
      - Legally restricted documents
      - Organizational and procedural manuals
      - Publications for use only within the State administration
    - You may choose to have some of the following publications issued under the library distribution act that otherwise would not.
      - Local interest circulars and publications
      - Specialized publications of primary use to a select group
      - Reports on minor reorganizations and policy changes dealing with State administration

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<sup>1</sup> Government Code §14902 specifically lists memorandum as a type of publication

- Market reports and weeklies that are tied to critical dates.
- Typical publications that fall under the Library Distribution Act include publications:
  - That are of lasting interest and use to the public
  - That are of general interest
  - That are of interest to only a few people that are spread over a wide geographic area
  - That are of interest only to a few people, but when the State is the only source of the information and the information can be used for other purposes
  - That [is] a group of periodicals compiled once a year. These periodicals would otherwise not qualify, but because of their calendar nature, their content becomes important”